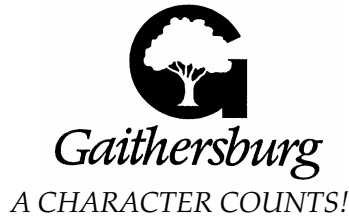


DRAFT



CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
AUGUST 21, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Marraffa, Schlichting, and Sesma. Council Member absent: Edens. Staff present: City Manager Humpton, Assistant City Manager Felton, Planning and Code Administration Director Ossont, Police Chief Viverette, Director of Public Works, Parks Maintenance and Engineering (PWPME) Arnoult, PWPME Services Director Mumpower, Community Planning Director Schwarz, Planner Marsh, Animal Control Officer Esmieu, The Mission to Mississippi Team, and Executive Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by City Planner Jacqueline Marsh.

II. INVOCATION

The invocation was led by Maxine Oliver, Baha'i Faith.

III. APPROVAL OF MINUTES

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the minutes of the Mayor and Council meeting held August 7, 2006, be approved.

Vote: 3-0-1 (Abstained: Sesma)

IV. CONSENT ITEMS

- 1. Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract for the Installation of Underground Conduit for Eight (8) Street Lights Along Travis Lane Between Watkins Mill Road and Travis Avenue**

This resolution authorized the City Manager to enter into a contract for the above services with R.B. Hinkle Construction, Inc., P.O. Box 1153, Ashburn, Virginia 20146, in the amount of Twenty-Five Thousand Six Hundred Dollars (\$25,600); said funds to be expended from the Capital Improvements Budget.

- 2. Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract for the Installation of Eight (8) Street Lights Along Travis Lane Between Watkins Mill Road and Travis Avenue**

This resolution authorized the City Manager to enter into a contract for the above services with James L. Muscatello, Inc., 7901 Beechcraft Avenue, Gaithersburg, Maryland 20879, in the amount of Ten Thousand Four Hundred Dollars (\$10,400); said funds to be expended from the Capital Improvements Budget.

3. **Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract to Purchase Two (2) Solar Powered Variable Message Signs**

This resolution authorized the City Manager to enter into a contract for the above services with Solar Technology, Inc., 7620 Cetronia Road, Allentown, Pennsylvania 18106, in the amount of Thirty-Three Thousand Nine Hundred Ninety Seven Dollars (\$33,997); said funds to be expended from the Capital Improvements Budget.

4. **Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract to Purchase One (1) 2007 Passenger Bus for the Department of Parks Recreation and Culture**

This resolution authorized the City Manager to enter into a contract for the above services with American Bus Sales and Service, 195 Defense Highway, Annapolis, Maryland 21401, in the amount of Ninety-Nine Thousand Forty-Three Dollars (\$99,043); said funds to be expended from the Operating Budget.

5. **Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into an Agreement to Share Stormwater Management Facility Repair Costs With the Bennington Community**

This resolution authorized the City Manager to enter into a contract for the above services with Bennington Community Association, 29 Goodport Lane, Gaithersburg, Maryland 20878, in the amount of Thirty-Two Thousand Two Hundred Fifty Dollars (\$32,250); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Schlichting, seconded by Council Member Marraffa, that the Consent Agenda (Resolution Nos. R-83-06 through R-87-06), be approved.

Vote: 4-0

V. PRESENTATIONS

1. **Recognition of the 2006 Employee and Team of the Year**

City Manager Humpton along with Mayor Katz recognized the following employees:

Jorge Esmieu, Animal Control Officer, was nominated for the excellent work that he does on an ongoing basis. Jorge is considered a great asset to the City because of his desire for continual self-improvement, great attitude, and the high quality of performance he demonstrates to the public.

The Mission to Mississippi Team (Dan Horton [Public Works], Tim "Smitty" Smith [Parks, Recreation, and Culture], Tom Campbell, Billy White, Mary Whalen, Denise Woodard, Kathy Fairfield, Curtis Pettaway, Lester Rice, Dan Lane, John Jordan, Ray Campbell, John Breck, Jack Booth, Dan McCarthy, Brian Hurtt, Randy Rude, Scott Scarff [Police], Ryan Spevak and Mike Viverette [volunteers] and Robert Lumsden [Montgomery County Police]), was nominated for their dedication and hard work on a special project. During the wake of Hurricane Katrina, many law enforcement agencies in the Gulf Coast region were particularly hard hit, yet still had to perform essential law enforcement services in their areas. In an effort to assist local law enforcement agencies along the Gulf Coast with relief, an idea was formulated to donate several of the stripped down police cars that were about to go to auction and other items to assist families devastated by the hurricane. The team spent long and uncompensated hours preparing for this important mission. This team of volunteers is commended for their dedication and unselfishness in helping others.

2. Update on the Day Laborer Center

City Manager Humpton read the following statement:

“Candidly, I do not have a lot to report tonight. I look forward to a meeting with Pastor Durby who I understand recently had a meeting with representatives from the neighborhood behind Grace Church. We will continue to coordinate as necessary. As of today, I had two suggestions for potential day laborer sites and the staff will be reviewing these ideas to determine if they are viable alternatives. And lastly, I spoke with Cathy Drzygula today and it is my understanding that she will speak under public appearances tonight on this matter.”

VI. PUBLIC APPEARANCES

1. *Lloyd Kaufman*, suggested the City consider adopting the Goshen Elm Tree as a living symbol for its logo.
2. *Amy Greaser, Lakelands resident*, stated she and her family were forced from their home for 3-1/2 months due to fire. She expressed concern that no timeframe for reconstruction has been received, only excuses from the builder and condominium association. Planning and Code Administration Director Ossont responded that the City is not necessarily responsible for the reconstruction of the homes, but will investigate and speak with both the contractor and insurance agency.
3. *Tony Hudson, 214 Tulip Drive*, expressed support for a day laborer center in Gaithersburg and asked the Mayor and City Council to find an acceptable situation for all.
4. *Danielle Dolan, Lakeklands resident*, stated she also was displaced from her home due the fire mention above and asked for assistance to get answers regarding reconstruction.
5. *Elaine Shire, The Dwelling Place*, asked the City to establish more affordable housing for those residents transitioning from The Dwelling Place who would like to remain in the area.
6. *Thomas Cowley, Devereaux Terrace*, supports the City's efforts to establish a comprehensive affordable housing policy for Gaithersburg. He asked the City to consider a 120-day residential deferment to allow for regulations to be put in place and address the affordable housing concerns.
7. *Kenneth Joholske, former West Deer Park Apartment resident*, expressed support for the 120-day residential moratorium. He questioned whether pending redevelopment is serving the poor.
8. *Elizabeth (sp?), Gaithersburg resident*, expressed concern that the proposed affordable housing in Gaithersburg will not serve citizens in the \$25,000 – 30,000 income ranges. Stated more structure is needed in the relocation redevelopment process that's occurring in the City.
9. *Pamela McLean, The Dwelling Place resident*, expressed support for affordable housing in the City of Gaithersburg. She asked the Mayor and City Council to consider those citizens transitioning from The Dwelling Place.
10. *Kirsten Barney, The Dwelling Place resident*, stated she is a single parent that would like to remain in Gaithersburg and asked the City Council to consider more affordable housing.
11. *Pete Exis, former West Deer Park Apartment resident*, thanked City employee Herndon for her assistance with the relocation of tenants. Encouraged the City Council to take a step back to review affordable housing for the average worker in the Gaithersburg community.

12. *Maxine Gifford, 9 Ramsdell Court*, stated she reviewed the City's proposed affordable housing policy. She encouraged the City to ask developers for more than what has been proposed and expressed support for the residential moratorium to address housing issues. She expressed concern with the minimum number of Moderately Priced Dwelling Units (MPDU) in Gaithersburg.
13. *Linda Gore, 60 Oak Shade Road*, stated that redevelopment is taking away the existing affordable housing in the City. She expressed concern with the City doing less than the County's MPDU program. She asked the City to make a strong policy that supports the preservation of a broad spectrum of housing choices.
14. *Kimberly Mouzon, 8223 Ironglad Court*, stated she is now a homeowner and case manager aide at The Dwelling Place, but was once a resident. She strongly expressed support for a MPDU program in Gaithersburg.
15. *Bob Dryzgula, 16 Walker Avenue*, encouraged the City to seek outside resources and experts in the field to better improve the affordable housing policy. He asked that the City distribute affordable housing evenly throughout the City.
16. *Cathy Dryzgula, 16 Walker Avenue*, asked that the City take action by September 18, 2006 and find a long term solution to the day laborers and move the situation out of her neighborhood. She expressed support for affordable housing in Gaithersburg, but asked that the City recognize and improve the unbalanced distribution that now exists.
17. *Michael Stumborg, 15 Walker Avenue*, questioned the status of the forthcoming report on ordinances to enforce and address the day laborers in the parking lot at Grace Church. He reminded the Mayor and City Council that the day laborer issue began as a residential concern and asked that peace and quiet be returned to his neighborhood.

VII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Sesma

1. Congratulated and thanked the employee and team of the year for their service to the City.
2. Thanked City staff for their efforts during the City's National Night Out Against Crime.
3. Announced that the City will host its 68th Annual Labor Day Parade on Monday, September 4, 2006 at 1 p.m. in Olde Towne Gaithersburg.

Council Member Marraffa

1. Reported that he along with other City Council Members participated in the kick-off parade at the Fairgrounds and also attended the Gaithersburg-Germantown Chamber of Commerce Public Safety Awards Program and Fair Breakfast honoring public safety workers, including six City Police Officers.
2. Thanked citizens for their involvement and comments on those issues the City is working to find a solution.

Council Member Alster

1. Echoed congrats to the employee and team of the year and those Officers recognized during the Fair breakfast mentioned above.
2. Reported that county law does not apply to health facilities in the City to have defibrillators. He asked staff to obtain the county ordinance and advise the City Council on applying such law to require facilities to have defibrillators on site. Staff was asked to provide copies to the City Council for review.

Mayor Katz

1. Announced that the Mayor and City Council will not conduct a work session on Monday, August 28, 2006. The next regular Mayor and City Council meeting will be held on Tuesday, September 5, 2006.
2. Reported that prior to the September 5, 2006 meeting, the Mayor and City Council will conduct interviews for the Ethics Commission, beginning at 6:15 p.m. in the City Hall Gallery.
3. Announced the City will not conduct a work on Monday, September 11, 2006. The City has partnered with the Kentlands Community Foundation to commemorate the 5th Anniversary of the events of 9/11 with a ceremony of reflection and remembrance. The ceremony will be held at Inspiration Park at 7 p.m.

VIII. FROM THE CITY MANAGER HUMPTON

1. Announced that on Tuesday, August 29, 2006, 11:30 a.m., the City will partner in a ceremony for the new aquatic and recreation center, corner of Edison Park Drive and Route 28.
2. Reported that the City has put out a request for proposal for architectural design services to do a concept plan for the new aquatic and recreation center.

IX. PUBLIC HEARINGS

1. **An Ordinance to Amend Chapter 10 of the City Code (Floodplain Ordinance), Article I, Entitled, "Site In General," Article II, Entitled, "Permit Process," Article III, Entitled, "Establishment Of Floodplain Zones," Article IV, "Development Regulations In Floodplain Zones," and Article V, Entitled "Specific Requirements" so as to Comply With Federal Emergency Management Requirements**

Community Planning Director Schwarz stated the proposed ordinance is a housekeeping item so as to comply with the requirements of the Federal Emergency Management Agency and the State of Maryland requirements concerning floodplain ordinances. The ordinance relates to the definition of substantial development, flood protection elevation, repetitive loss, revisions to the floodplain maps and fuel tanks within the floodplain. The public hearing was advertised in the *Gaithersburg Gazette* on August 9, 2006 and posted on the City's website. Staff recommended the record remain open for ten days until August 31, 2006. Staff was asked to provide the Mayor and City Council with aerial maps of the floodplains within the City.

There were no speakers at the hearing.

Motion was made by Council Member Marraffa, seconded by Council Member Alster, to close the City Council record for the above Ordinance on August 31, 2006.

Vote: 4-0

2. **Resolution of the Mayor and City Council Authorizing the Issuance and Sale of Economic Development Revenue Bonds by the City of Gaithersburg for Asbury Methodist Village, Inc. and Asbury-Solomons, Inc.**

Finance and Administration Director Belton introduced Cheryl O'Donnell Guth, Bond Counsel from McGuire Wood, representing the City in the matter. He stated that the public hearing was advertised in the *Gaithersburg Gazette* on August 2, 2006. Asbury Methodist Village, Inc. and Asbury-Solomons, Inc. formally requested that the City of Gaithersburg issue and sell bonds as its limited obligations and not upon its full faith and credit or pledge of its taxing power, and to loan the proceeds of the sale of such bonds to Asbury. Mr. Belton stated that the transaction would involve

conduit debt only. He further stated that the City of Gaithersburg incurs no liability as a result of the transaction, and Asbury indemnifies the City for the life of the bonds. In response to a question, Ms. Guth clarified that the issuing of the bond is to refinance debt that already exists and is outstanding from the bonds the City issued for Asbury in 1993, 1997 and 2004 to refinance its continuing care retirement facility in the City. Staff recommended that the Mayor and City Council close the record on the above on August 31, 2006, 5 p.m.

Speaker from the public:

William Root, Chair of the Asbury Methodist Village Chapter of the Maryland Continuing Care Residence Association, stated that he is not opposed to the issuance of the bond, but that the amount of \$160,000,000 has not been justified, and expressed concern that the amount has been overstated. Mayor Katz asked that Asbury respond to Mr. Root's concerns.

There were no other speakers at the hearing.

Motion was made by Council Member Schlichting, seconded by Council Member Sesma, to close the City Council record for the above on August 31, 2006.

Vote: 4-0

RECESSED THE MAYOR AND COUNCIL MEETING AT 8:45 P.M.
AND RECONVENED AT 8:48 P.M.

X. ORDINANCES AND RESOLUTIONS

1. Resolution to Extend the 2006 Street Resurfacing Contract

This resolution authorizes the City Manager to extend the 2006 street resurfacing contract to resurface Main Street with D. & F. Construction Company, Inc., 4017 Penn-Belt Place, Forestville, Maryland 20747, in the estimated amount of Two Hundred Thirty Thousand Dollars (\$230,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTEND THE 2006 STREET RESURFACING CONTRACT (Resolution No. R-88-06), be approved.

Vote: 4-0

2. Resolution to Extend the 2006 Street Resurfacing Contract

This resolution authorizes the City Manager to extend the 2006 street resurfacing contract for additional patching and liquid asphalt price adjustment with D. & F. Construction Company, Inc., 4017 Penn-Belt Place, Forestville, Maryland 20747, in the estimated amount of One Hundred Ninety-Two Thousand Dollars (\$192,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTEND THE 2006 STREET RESURFACING CONTRACT (Resolution No. R-89-06), be approved.

Vote: 4-0

3. Resolution to Purchase One (1) Street Sweeper

This resolution authorizes the City Manager to enter into a contract to purchase one (1) Elgin Whirlwind Series MV Street Sweeper from Maryland Industrial Truck, Inc., 1330 West Nursery Road, Linthicum, Maryland 21090, in the amount of One Hundred Fifty Thousand Six Hundred Ninety-Four Dollars (\$150,694); said funds to be expended from the Operating Budget.

Motion was made by Council Member Schlichting, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE ONE (1) STREET SWEEPER (Resolution No. R-90-06), be approved.

Vote: 4-0

4. Resolution to Upgrade and Reconstruct Odend'hal Avenue

This resolution authorizes the City Manager to enter into a contract to upgrade and reconstruct Odend'hal Avenue with Romano Concrete Construction, Inc., 7800 Penn Western Court, Upper Marlboro, Maryland 20772, in the amount of Three Hundred Fifteen Thousand Eighty Dollars (\$315,080); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO UPGRADE AND RECONSTRUCT ODEND'HAL AVENUE BETWEEN MARYLAND ROUTE 355 AND RUSSELL AVENUE (Resolution No. R-91-06), be approved.

Vote: 4-0

5. Resolution Awarding Matching Grants

This resolution authorized the City Manager to award matching grants to the Lakelands Ridge Homeowners Association (\$5,000) for landscaping; Greater Historic District (\$400) for a community event; and Diamond Farms Homes Corporation (\$5,000) for repairs to basketball and tennis courts, upon determining that the projects are completed as proposed, in the total amount of Ten Thousand Four Hundred Dollars (\$10,400); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING MATCHING GRANTS TO THE LAKELANDS RIDGE HOMEOWNERS ASSOCIATION AND GREATER HISTORIC DISTRICT, AND DIAMOND FARM HOMES (Resolution No. R-92-06), be approved.

Vote: 4-0

XI. POLICY DISCUSSION AND STAFF GUIDANCE**An Ordinance to Amend Chapter 13 of the City Code Entitled "Landlord Tenant Relations," to Create a New Section 13-38 Entitled "Relocation Assistance" so as to Require Multi-Family Property Owners to Provide Additional Relocation Assistance to Tenants Displaced by Redevelopment**

Assistant City Manager Felton stated the proposed ordinance was introduced on July 17, 2006, advertised in the *Gaithersburg Gazette* on July 19, 2006, and a public hearing was held on August 7, 2006 with the record closing on August 16, 2006. He stated the potential exists that a number of multi-family communities in the City could be redeveloped in the near future and staff believe that the existing County requirement of two (2) months rent relocation assistance would not be adequate to prevent hardships for many of these potentially displaced tenants. The proposed ordinance would require property owners to pay an additional one and one half (1-1/2) month's current rent to each leaseholder displaced by pending demolition or redevelopment. After receiving comments at the public hearing, staff now recommends that the ordinance be amended to require the developer to pay the tenant market rent rather than current rent.

Motion was made by Council Member Sesma, seconded by Council Member Alster, that the modified version of the above Ordinance (Ordinance No. O-9-06) be adopted.

Vote: 4-0

XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:55 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Executive Assistant